IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 27413 of 2007(L)

PETITIONER:

1. SREEJA P.N.,
   LIVESTOCK INSPECTORS GRADE II,
   VETERINARY DISPENSARY, VILLIAPPILLY,
   KOZHIKODE DISTRICT.

2. RAVEESH. R.,
   LIVESTOCK INSPECTORS GRADE II,
   VETERINARY DISPENSARY,
   THEEKKUNI, KOZHIKODE DISTRICT.

3. VIJI.B,
   LIVESTOCK INSPECTORS GRADE II,
   VETERINARY HOSPITAL, KUNNUMMEL,
   KOZHIKODE DISTIRCT.

4. SHEEBA.N.,
   LIVESTOCK INSPECTORS GRADE II,
   VETERINARY DISPENSARY, AAYANCHERRY,
   KOZHIKODE DISTRICT.

5. VINEETHA P.K.,
   LIVESTOCK INSPECTORS GRADE II,
   VETERINARY DISPENSARY,
   PURAMERY, KOZHIKODE DISTRICT.

6. SWAPNA GOPAL.N.,
   LIVESTOCK INSPECTORS GRADE II,
   VETERINARY DISPENSARY, MARUTHOMKARA,
   KOZHIKODE DISTRICT.

7. PRAKASH.M.,
   LIVESTOCK INSPECTORS GRADE II,
   ICDP, KOORACHUNDU, KARIYATHANPARA,
   KOZHIKODE.

8. BABY MANJULA M.V.,
   LIVESTOCK INSPECTORS GRADE II,
   VETERINARY DISPENSARY, KIZHARIYOOR,
   KOZHIKODE DISTRICT.

9. RANI.S.A.,
   LIVESTOCK INSPECTORS GRADE II,
   VETERINARY DISPENSARY, KIZHAKKOTH,
   KOZHIKODE DISTRICT.

10. PREETHI P.S.,
LIVESTOCK INSPECTORS GRADE II,
VETERINARY DISPENSARY,
CHENGOTTUKAVU, KOZHIKODE DISTRICT.

11. VIJAYALAKSHMI.P,
LIVESTOCK INSPECTORS GRADE II,
VETERINARY DISPENSARY, MADAVOOR,
KOZHIKODE DISTRICT.

12. RAGIRAJ R.G.,
LIVESTOCK INSPECTORS GRADE II,
VETERINARY DISPENSARY,
THALAKKULATHOOR, KOZHIKODE DISTRICT.

13. GEETHAPRIYAN.K.,
LIVESTOCK INSPECTORS GRADE II,
ICDP, PAVANDOOR, KOZHIKODE.

14. JINI K.VARGHESE,
LIVESTOCK INSPECTORS GRADE II,
VETERINARY DISPENSARY, KAYAKKODI,
KOZHIKODE.

15. SHYNIMOL.A.,
LIVESTOCK INSPECTORS GRADE II,
VETERINARY DISPENSARY, KIZHAKKAN PERAMBRA,
KOZHIKODE, BALUSSERY, KOZHIKODE DISTRICT.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS:
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1. DISTRICT ANIMAL HUSBANDRY OFFICER,
KOZHIKODE.

2. DISTRICT EMPLOYMENT OFFICER,
KOZHIKODE.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P.(C) NO.27413 of 2007

Dated this the 14th day of September, 2007

JUDGMENT

Petitioners are working as Live Stock Inspectors Grade II, having been appointed on a provisional basis as per Ext.P1 order of appointment and similar orders stated to have been issued. Admittedly, appointments are provisional under Rule 9(a)(i) of Part II of KS & SSR. Petitioners were appointed for a period of one year from the date of joining duty or till PSC hands report whichever is earlier. Petitioners contend that there are no qualified hands to be sponsored by the Employment Exchange and therefore they should be permitted to continue in service till regular hands were available for duty. Learned counsel for the petitioners points out that Ext.P4 which is the communication issued by an Information Officer of the Town Employment Exchange, Koilandy indicates that there are no qualified hands in this regard in the registers of the Employment Exchange of Koilandy.

2. The claim similar to that raised by the petitioners herein came up for consideration before the Division Bench in Writ Appeal

No.434/2002 and connected cases and it was disposed of by Ext.P7 judgment. Part-2 of the directions issued by the Division Bench is extracted hereunder.

> **"If candidates who have got their names registered in the Employment Exchange are waiting for temporary appointment, they would also have a right to get appointment as Livestock Inspector Grade II for a limited period. Writ Petitioners cannot take away their rights on the basis of interpetrary judgments referred to by some of the writ petitioners. We make it clear in case vacancies are available and there is necessity of filling up of those vacancies it is always open to the department or State Government to fill up those vacancies with the petitioners if candidates from the Employment Exchange are available."**

3. The Division Bench found that provisional hands have no right to claim retainment beyond the period for which they have been appointed. Now can they claim a right to be retained till regular PSC hands join for duty. The Division Bench made it clear that if there are necessities of filling up of those vacancies, it is open to the department or State Government to fill up those vacancies with the petitioners therein, if the candidates from the Employment Exchange are not available. The directions of the Division Bench will apply to the case of the petitioners also.

Subject to this observation, the writ petition is disposed of.

V.GIRI, JUDGE

CSS